

Chapter 119**Motor Vehicle Fuel Volatility Limit**

SUMMARY: This regulation requires that all gasoline that is distributed or marketed by bulk gasoline terminals or is delivered to gasoline service stations or bulk gasoline plants shall not have a Reid Vapor Pressure greater than 9.0 psi during the period between May 1, 1989 and September 15, 1989 and continuing every year thereafter with the exception that York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties shall not have a Reid Vapor Pressure greater than 7.8 psi during the period of May 1 through September 15 of each year.

1. **Scope/Applicability.** This regulation shall be effective in all ambient air quality control regions in the State of Maine.
2. **Definitions.**
 - A. Bulk gasoline plant. "Bulk gasoline plant" means, except for gasoline service stations, any gasoline storage and distribution facility or bulk gasoline terminal with a daily throughput of 76,000 liters (20,000 gallons) or less which receives gasoline from refineries, bulk gasoline terminals or through direct import.
 - B. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck, and has a daily average throughput of more than 76,000 liters (20,000 gallons) of gasoline.
 - C. Reid Vapor Pressure. "Reid Vapor Pressure" (RVP) means the standardized measure of the vapor pressure of a liquid fuel in pounds per square inch absolute at 100°F.
3. **Prohibition.** No owner or operator of any bulk gasoline terminal nor any person who delivers gasoline directly to a gasoline service station or a bulk gasoline plant shall dispense, sell, or supply as fuel for motor vehicles a gasoline having a Reid Vapor Pressure greater than 9.0 pounds per square inch during the period of May 1, 1989 through September 15, 1989 and during the period of May 1 through September 15 of each successive year with the exception that for York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties no owner or operator of any bulk gasoline terminal nor any person who delivers gasoline directly to a gasoline service station or a bulk gasoline plant shall

dispense, sell, or supply as fuel for motor vehicles a gasoline having a Reid Vapor Pressure greater than 7.8 pounds per square inch during the period of May 1 through September 15 of each year.

4. **Reid Vapor Pressure Testing.** For purposes of showing compliance with this regulation, sampling shall be conducted using one of the sampling methodologies specified in 40 CFR 80, Appendix D, and any emission test or fuel test required by the Department shall be conducted in accordance with 40 CFR 80, Appendix E, Method 3 or any other method approved by the Commissioner and the United States Environmental Protection Agency.
5. **Records.** Any owner or operator of a bulk gasoline terminal shall maintain records on the Reid Vapor Pressure, oxygen content, oxygenate, benzene, aromatics, and sulfur of any gasoline that is delivered to or distributed from such terminal. Any person who delivers gasoline directly to a gasoline service station or bulk gasoline plant, and any owner of a gasoline service station or bulk gasoline plant, shall maintain records which show at a minimum the Reid Vapor Pressure of gasoline delivered or received, the date on which the gasoline is delivered or received, and the identity of the person delivering or receiving the gasoline. Such records shall be maintained for at least three years and shall be available for inspection during normal business hours, and copies shall be provided to the Commissioner or his representative upon request.

Any company with more than one gasoline dispensing facility may maintain such records at its central office. However, each gasoline dispensing facility of the company must maintain records on the premises for the last 12-month period.

6. **Severability.** Each Section and Subsection of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S.A., Section 585, 585-A, 585-C
Section 110, Clean Air Act of 1990

EFFECTIVE DATE: September 21, 1988
AMENDED: October 25, 1989
AMENDED: November 3, 1990
AMENDED: September 28, 1996
AMENDED: March 14, 1999
AMENDED: June 1, 2000

BASIS STATEMENT FOR AUGUST 10, 1988

It is necessary and desirable to control gasoline vapors as these vapors contribute to the formation of ozone. In addition portions of Maine currently exceed both the federal and state ozone air quality standards.

The reduction of the volatility of gasoline is a regional strategy endorsed by the eight northeastern states. This regulation would restore gasoline volatility to the level which existed in the early 1970's and reduce gasoline vapors in the Northeast by about 60,000 tons and in Maine by about 3,750 tons per year.

The expected expense of compliance to the refiners, distributors and retailers will be passed on to the consumer through an estimate increase in the retail price of gasoline by 1.5 cents per gallon. A lower volatile gasoline means less gasoline loss by evaporation, leaving more gasoline available to be burned as fuel.

A concern was expressed that the use of lower volatile gasoline during early spring would result in decreased motor vehicle driveability and safety problems. California's experience over the last 17 years with RVP regulation provides sufficient evidence that vehicle driveability will not deteriorate

BASIS STATEMENT FOR AMENDMENT OF SEPTEMBER 27, 1989

This amendment corrected certain minor deficiencies identified by the U.S. Environmental Protection Agency in the State Implementation Plan (SIP) and for consistency with State statute. No comments were received on the proposed amendment.

BASIS STATEMENT FOR AMENDMENT OF SEPTEMBER 26, 1990

During the 14th Session of the Maine Legislature, the Board of Environmental Protection was given the authority under 38 M.R.S.A. 585 and 585-A to establish and amend emission standards and regulations to implement ambient air quality standards and emission standards. This rule was amended to reflect the new authority under statute. No request for public hearing nor comment were received on the reauthorization.

BASIS STATEMENT FOR AMENDMENT OF SEPTEMBER 11, 1996

The State continues to test gasoline for their Reid Vapor Pressures. This rule was amended to require use of the EPA revised sampling and test methods. No comments were received on this proposed amendment.

BASIS STATEMENT FOR AMENDMENT OF FEBRUARY 24, 1999

Due to concerns over potential groundwater contamination from Methyl Tertiary Butyl Ether, an oxygenate used in Reformulated Gasoline (RFG), the State requested to opt-out of the federal Reformulated Gasoline Program. A criterion for opting out of the program

was to identify a replacement fuel measure or other measure to provide Volatile Organic Compounds (VOC) reductions equivalent to RFG. This rule was amended to achieve these VOC reductions by lowering the Reid Vapor Pressure in gasoline sold in Maine. In addition in order to assess the environmental impact of fuel the rule requires the tracking of oxygen, oxygenate, benzene, aromatics, and sulfur content in gasoline sold in Maine.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its response to comments received during the public comment period.

BASIS STATEMENT FOR AMENDMENT OF APRIL 20, 2000

The requirement for 7.2 RVP fuel would result in a more limited number of suppliers (refiners) making this fuel. A limited number of suppliers could increase the risk of a potential supply disruption. In the event of a major supply disruption, the most likely “replacement” fuel would be RFG2 with its required oxygen levels i.e. 11% MTBE by volume. Due to continued concerns over potential groundwater contamination from Methyl Tertiary Butyl Ether, an oxygenate used in Reformulated Gasoline (RFG), to increase the risk, even in the event of an emergency, of allowing into Maine gasoline with increased levels of MTBE is not acceptable. The current 7.8 RVP gasoline with no restrictions on oxygen levels has resulted in MTBE levels below typical conventional gasoline (2 to 3% by volume).

In addition to the Basis Statement above, the Department has filed with the Secretary of State its response to comments received during the public comment period.